

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1924**

February 11, 2014

**SUMMARY OF BILL:** Enhances, from a Class E felony to a Class D felony offense, the penalty for any person to knowingly abuse, neglect or exploit any adult who is unable to manage his or her resources or carry out the activities of daily living due to mental or physical dysfunction or advanced age.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$36,300/Incarceration\***

Assumptions:

- According to the Department of Correction (DOC), there has been an average of 2.33 admissions for the offense of elderly abuse, neglect, and exploitation in each of the last three years. The cost estimate is based on two admissions per year.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- According to the DOC, the average operating cost per offender per day for calendar year 2014 is \$66.29.
- The average time served for a Class E felony is 1.31 years. The average time served for a Class D felony is 2.06 years. The proposed legislation will result in offenders serving an additional 0.75 years (2.06 – 1.31).
- A recidivism discount of 32.03 percent applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on two offenders serving an additional 0.75 years (273.94 days) at a cost of \$18,159.48 (\$66.29 x 273.94 days) per offender. The total incarceration costs will be \$36,319 (\$18,159.48 x 2).

- Given that the proposed legislation does not create any new offenses, but merely enhances the penalty for conduct that is already criminal, it is assumed that the courts, district attorneys, and public defenders can accommodate any impact within existing resources.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/kml